Docket 91943.000249
Customer No. 23387

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Multisorb Technologies, Inc.

Application No.: 10/677,582

Filed: October 2, 2003

Group Art Unit: 1796

Examiner: Anthony, Joseph David

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Sir:

APPELLANT'S REPLY BRIEF

This Reply Brief is in response to the Examiner's Answer of November 20, 2007 in the above captioned application. The arguments below are directed to new issues raised by the Examiner's Answer.

ARGUMENT

At page 3 of the Examiner's Answer the Examiner newly points out that the appellant's claimed invention composition is not limited to liquid compositions. However the claims indicate that a solution of water, humectant salt and electrolyte salt is mixed with a water binding carrier and then at least one oxygen reducing agent is blended with the mixture. The description in the claims that a solution is formed of humectant salt and electrolyte salt indicates that these materials are not separately present in the

claimed composition as they are in the solution prior to the formation of the claimed composition. Combination with the water binding carrier includes the combination of water and the electrolyte and humectant salts since the salts were in solution when blended with the water binding carrier. In summary, while the composition is not necessarily liquid, the claim indication that the salt solution was present prior to mixing with the water binding carrier is a disclosure of the composition of the invention as always having salts with the water that is bound to the water binding carrier.

The Examiner, at lines 5-8 of page 4 of the Examiner's Answer, has newly referenced the teachings at page 8 lines 4 - 8 of Saari et al. as teaching the appellant's claimed water concentration limit of 10-20%. However, it is noted that the Saari et al. teachings indicate a preferred amount of between 40% and 70% water. While the 10-20 weight % of water may be included by the broadest range there is no teaching there to select 10-20% water as would be necessary to anticipate the claim. Order to be anticipating the reference must show an inherent or direct teaching of the specific 10-20 weight % range claimed.

The Examiner at page 4 last 5 lines newly indicates that Saari et al. teaches humidity levels of between 20 and 29% utilizing calcium chloride. However, it is respectfully urged that the Examiner has misinterpreted the statement at the last two lines of column 4 of Saari et al.. Saari et al. actually teaches that calcium chloride is at 29% and indicates that this is between 20% and 29%.

The Examiner at page 11 line 16 - page 12 line 16 of the Examiner's Answer newly argues that the McKedy patents meet claim limitations requiring a solution comprising water, humectant salt and electrolyte salt, because the McKedy solution is particulate and that the invention composition is also particulate and of overlapping composition. However, the McKedy patents compositions differ from the instant invention in that they are a combination of particulate materials, one of which has absorbed water present in the composition. The instant invention has a water binding carrier combined with a solution of water and humectant salt and electrolyte salt. The materials in the McKedy patents equivalent to the carrier of the instant invention only bind water and not salt. Therefore the compositions of the McKedy patents differ from the appellant's claimed invention in that they are dry blended and the solution of water

and salts is never present. The carrier of McKedy is only taught as having water bound to it, not salts. Therefore, the McKedy materials do not anticipate the instant invention, and furthermore the instant claimed invention are not obvious from the McKedy patents as there is no disclosure or suggestion to modify the McKedy patents to combine the water binding carrier with a solution of humectant and electrolyte salts.

Therefore, for the reasons above and those stated in the Appellant's Appeal Brief it is respectfully requested that the rejections of the Examiner be reversed.

For the above reasons, Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims 1-8.

Respectfully submitted,

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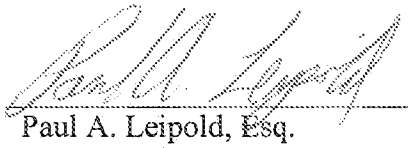
By: 

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